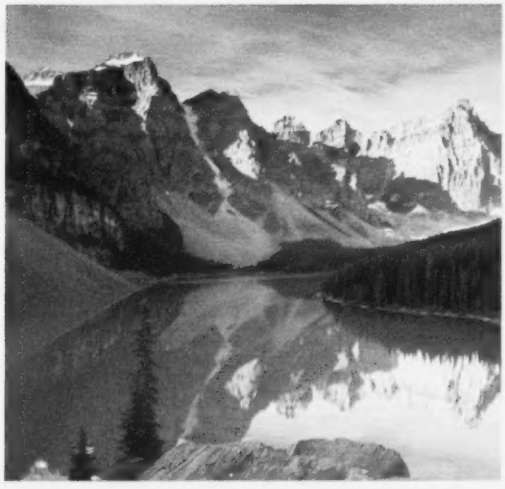
ALBERTA LAW REFORM INSTITUTE 2012 ANNUAL REPORT



ALBERTA
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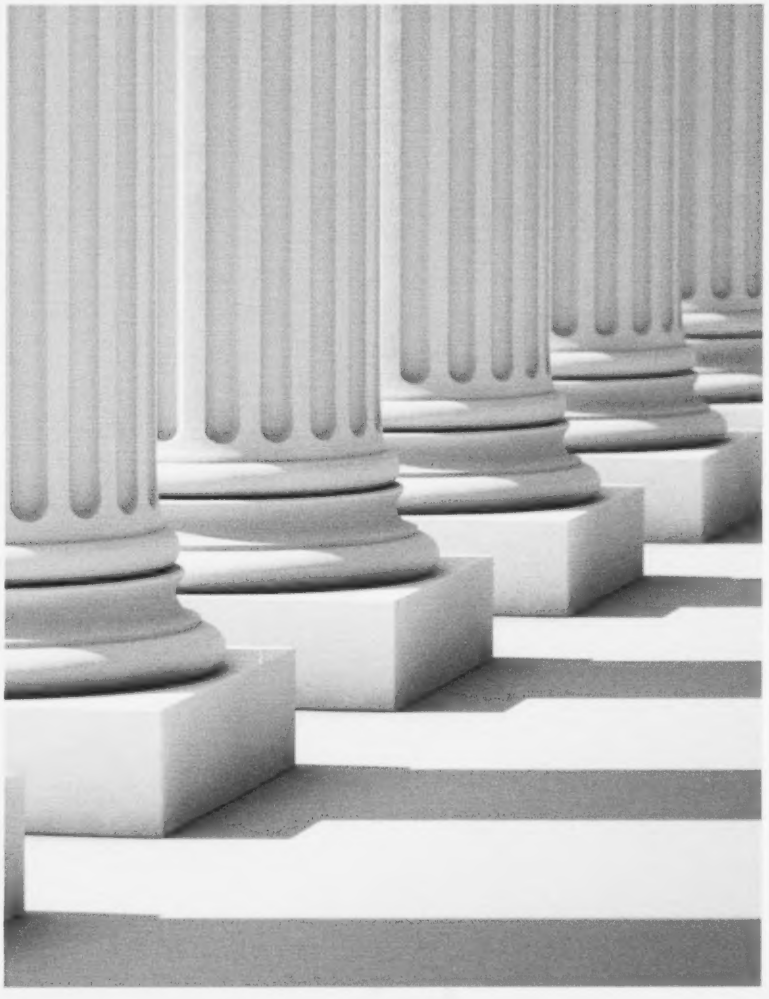


From the Chairman

James S. Peacock Q.C., Chairman

The Alberta Law Reform Institute (ALRI) was founded in November of 1967 by an agreement among the Province of Alberta, the Law Society of Alberta, and the University of Alberta. Each determined that it was in the public interest that there be a permanent law reform body, and each agreed that there was individual benefit to the parties from their participation in the formation of a law reform agency. The Institute has been renewed by successive five-year agreements since then. The current agreement was signed on April 1, 2012. The Department of Justice, representing the province of Alberta, expressed a desire that the agreement be modernized and that principles of good governance be enshrined in the agreement. The main challenge was to balance the necessary independence of the law reform agency with the appropriate accountability to funders and stakeholders. The challenge was met and the Institute has its new and modernized five year agreement to see it through to its 50th year of operation.

From the Director

Peter J.M. Lown, Q.C., Director

As the Institute (ALRI) completes its 45 years of operation, it continues to build a solid record of contribution to the law and administration of justice in Alberta. The modernized Rules of Court are now in force, and updated and comprehensive Wills and Succession legislation came into force on February 1st, 2012.

The Institute model of talented legal staff, dedicated but volunteer Board members, all operating in a network of legal community stakeholders, has resulted in an extremely successful record of implementation. We look forward to further collaborative contributions to the legal life of the Province.

This report spans July 2010 to March 2013 and also reflects the Institute's alignment of its reporting period from the academic year to the fiscal year ending March 31.

Board and Staff

Board Members

James S. Peacock, Q.C., Chairman	Partner, Gowling Lafleur Henderson LLP, Calgary
Nigel D. Bankes	Professor, Faculty of Law, University of Calgary
Philip L. Bryden	Dean, Faculty of Law, University of Alberta
Anne S. de Villars, Q.C.	Partner, de Villars Jones, Edmonton
Mona T. Duckett, Q.C.	Partner, Dawson Stevens Duckett & Shaigec, Edmonton
James T. Eamon, Q.C.	Partner, Gowling Lafleur Henderson LLP, Calgary
The Honourable Judge Charles D. Gardner	Assistant Chief Judge, Provincial Court of Alberta
William H. Hurlburt, Q.C.	Director Emeritus, Alberta Law Reform Institute
Anne L. Kirker, Q.C.	Partner, Norton Rose Canada LLP, Calgary
Ritu Khullar	Partner, Chivers Carpenter, Edmonton
Peter J.M. Lown, Q.C.	Director, Alberta Law Reform Institute
The Honourable Mr. Justice Alan D. Macleod	Court of Queen's Bench of Alberta
Nolan D. Steed, Q.C.	Executive Director, Legal Policy, Alberta Justice
Douglas R. Stollery, Q.C.	General Counsel, PCL Constructors Inc. Edmonton

Staff

Peter J.M. Lown, Q.C.	Director
Shannon Brochu	Research Associate
Carol Burgess	Administrator
Barry Chung	Communications Assistant
Debra Hathaway	Counsel
Ilze Hobin	Administrative Assistant
Cheryl Hunter Loewen	Counsel
Jenny Koziar	Assistant to the Director
Maria Lavelle	Counsel
Sandra Petersson	Counsel and Research Manager
Elizabeth C. Robertson	Counsel
Geneviève Tremblay-McCaig	Counsel

Board and Staff

The Institute has been fortunate in both the quality and dedication of its Board members. The finished product owes a lot to their experience and analytical ability. This year we said goodbye to Hon. Madam Justice Bonnie Rawlins. As one of our longest serving Board members, she always brought a pragmatic, socially aware view. We were fortunate to add two new very able individuals to the Board. Ritu Khullar is a partner at Chivers Carpenter and brings a wealth of experience in litigation of public law issues at all levels of Alberta courts. Mona T. Duckett Q.C. also joined the Board and is a partner at Dawson Stevens Duckett & Shaigec. She practices criminal defence and related administrative law and has past tenures with the Law Society of Alberta and was a past president of the Criminal Trial Lawyers Association. We are also very fortunate to have an excellent professional staff and were pleased to welcome back Maria Lavelle and Geneviève Tremblay-McCaig from parental leave. Also joining our professional staff, to play a new and invaluable role, was our Legal Research Associate, Shannon Brochu, who joined us on a part-time basis in February 2012. Our dependable support staff provide an amazing level of work in Counsel support, support to the Director and Research Manager and in financial and overall administration. We were pleased to welcome a new addition to our support staff, Barry Chung, who will provide special assistance in the communications area.

Activities

There were two notable implementation events relating to very large projects. First, the new Rules of Court came into effect on November 1, 2010 – the first major rewrite in over 40 years. Second, the Wills and Succession Act was passed in the fall of 2010, with an in force date of February 1st, 2012. These are major achievements. The first was a multiyear project involving a volunteer force of over 100 people and a significant consultation initiative with all stakeholders including the publication of over 20 interim reports. The Rules are now modern and effective with a clearly stated philosophy and premises. The second project brought to fruition seven reports wrapped up in a comprehensive Wills and Succession Act. The last of our seven reports was our Wills and the Legal Effects of Changed Circumstances, Report 98. Not only was the subject matter an achievement, but we also instituted a mutually beneficial cooperative arrangement working together with the Department of Justice in the Department's pre-legislative and the Institute's post-report stages. This will form a basis for other similar activities, and is already in place in the area of Estate Administration.

Estate Administration is the last part of the succession matrix. During this period we published a Report for Discussion in September 2011 and hope to complete the project in 2013. We published Report for Discussion 23: Succession and Posthumously Conceived Children in January 2012. This report invites comments on succession issues related to new reproductive technologies. Report for Discussion 24 on Arbitration Stay and Appeal Issues was released in August 2012. Following the publication of Consultation Memorandum 14 in May of 2011, we undertook active and targeted consultation on the topic of Joint Ventures. Final Report 99 on Joint Ventures was published in May 2012. We completed the last two pieces of the Rules of Court project dealing with Criminal Appeals and Criminal Trial Issues with the publication of Final Reports 100 and 101 in August 2012.

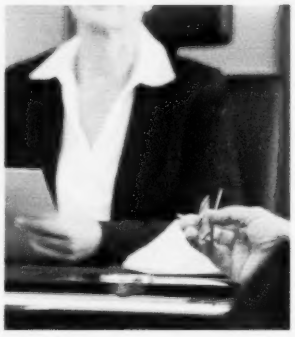
At the project selection stage we have approved work in a number of areas which will result in discussion documents in 2013 – Non-Profit Corporations and Matrimonial Property Issues.

It is important for Counsel to step away from day-to-day project work on occasion. This is often done in a meeting of the **Federation of Law Reform Agencies of Canada**. ALRI played host to the latest meeting of the Federation in Edmonton early October of 2012. Members of the law reform community came together to share ideas and work together to develop new methods for law reform in Canada.

As part of its commitment to international outreach, ALRI was pleased to share its expertise with a delegation from the newly-formed South Sudan Law (Review) Reform Commission on their first study visit outside of Africa. ALRI looks forward to continuing to support the work of the Commission as it works to enshrine the rule of law in the world's newest nation.

Activities

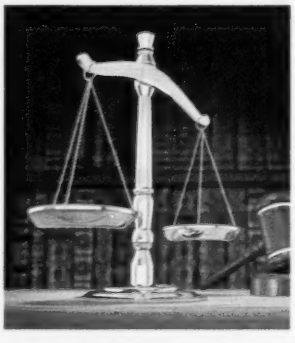
The new Rules of Court came into effect on November 1, 2010 – the first major rewrite in over 40 years



Report for Discussion 24 Arbitration Act: Stay and Appeal Issues was published in August 2012. ALRI counsel are currently compiling consultation results.

The *Wills and Succession Act* was passed in the fall of 2010, with an in force date of February 1st, 2012. The Act incorporated recommendations made in *Final Report 96: Creation of Wills*.

ALRI's recommendations for Joint Ventures was published in *Final Report 99: Joint Ventures*, July 2012.



Final recommendations were published in *Final Report 100 Criminal Trial Proceedings*, and *Final Report 101 Criminal Appeal Procedures: Queen's Bench and Court of Appeal*.

Report for Discussion 23 Posthumously Conceived Children was published in July of 2012. Feedback is currently being collected and complied.

ALRI has launched a project on Non-Profit Corporations and Counsel are proceeding with preliminary research and establishing advisory groups.

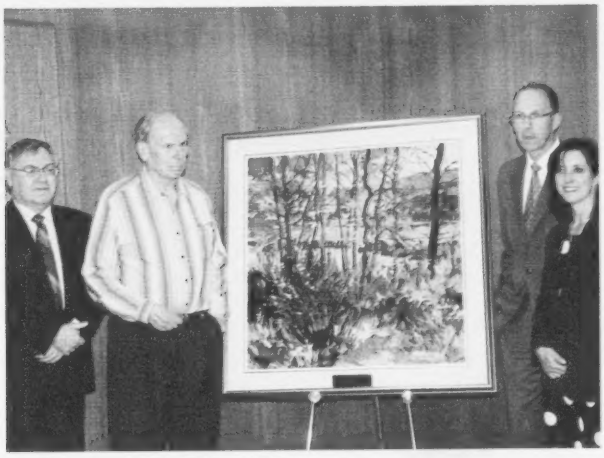
Projects for the *Matrimonial Property Act* and Pre-Marital Cohabitation are proceeding with research and documents being prepared for Board review.

Activities

A law reform agency is in the business of change. Our job is to ensure that the law and the administration of justice in Alberta are kept as up to date and as just and effective as possible. This may mean either ongoing adjustments or occasionally wholesale change. In that vein, it is essential that the Institute makes proposals that are designed to bring substantial benefit for Albertans and anticipates the impact of these changes. It must bring the same discipline and principles to bear on how it manages change within its own organization. This plays out in a number of aspects.

First, it must manage the projects which are taken on and to which both human and financial resources are dedicated. This means that projects must be relevant and necessary, meeting the needs of the community and having a reasonable prospect of implementation. The Institute has developed a list of criteria and a process to carry on the identification and selection of projects. This process ensures that when the Board does make a decision to commit to a project it is making an informed decision on a structured and reasonably well defined subject matter. Our process is outlined on our website at **www.alri.ualberta.ca**.

Second, it must manage succession planning for Board members. Representative members are currently appointed by the organization they represent. Both they and members at large are appointed for renewable three-year terms. In order to ensure that the Board can carry out its functions, the Institute has undertaken a number of initiatives. First it identified the skill set required of potential Board members, and secondly it identified the time when the current Board members are likely to leave the Board. Third it scoured the pool of available or potential Board members and finally, last year, the Institute for the first time publicly advertised for expressions of interest in Board membership. The Institute anticipates that the Board will appropriately represent gender, experience and geographic balance for the province as a whole.



William H. Hurlburt, Q.C.
Reynolds Mirth Richards and Farmer LLP donated this Brent Laycock painting to the Alberta Law Reform Institute in tribute to Bill's 60th year of distinguished service to the Alberta Bar and his role as an ALRI Board Member since its inception in 1968. Left to right: Denis Noël, Q.C., William H. Hurlburt, Q.C., Francis Price, Q.C., Cherisse Killick-Dzenick.

South Sudan Law Reform (Review) Commission
ALRI hosted the South Sudan Law Reform (Review) Commission as they explored ALRI as a model for their own commission. The Honourable M. M. Oturomoi spoke to a full house about the challenge of forming a new constitution in a lecture held jointly with the Centre of Constitutional Studies.

Honourable Justice Bonnie Rawlins
Justice Rawlins served as an ALRI Board Member from June 1986 to December 2011 and was involved in over 51 reports.

Ritu Khullar
Ms. Khullar's focus is in litigation relating to public law issues. She taught at the University of Alberta and presented at many conferences.

Mona Duckett, Q.C.
Ms. Duckett practices criminal defence law and is a past president of the Criminal Trial Lawyers Association.

Future Planning

Strategic planning is an essential complement to project activity. In May 2011 the Board took two days to concentrate on the Founding Agreement, medium to long term financial planning and Board member succession. The meeting was timely and productive.

One challenge for a law reform agency is to engage the community in effective consultation that produces reliable results. We have already taken steps to move from the more conventional passive consultation method. The greater use of Consultation Memoranda as opposed to formal Reports for Discussion reflects our move in that direction. In areas like Joint Ventures we have actively gone out to stakeholder groups to seek their input.

One focal point of this activity is our website, which we want to ensure is not only a comprehensive source of all of the Institute publications and materials, but is also the central way for the public to provide feedback on specific projects or suggestions for matters that require attention. As a result, our website was completely revamped to create greater functionality and greater ease of use. Almost all of the Institute's materials since its creation are now available in searchable form on our website, and we hope that we will be able to increase traffic to the website. This also raises the question of whether, and if so, when to move to greater concentration on electronic publication. That challenge is currently before the Communications Committee.

This has been a productive time in terms of output and implementation. It has also been an active period for the Institute's ability to accommodate changes in process and to plan for future challenges. We look forward to fulfilling the latest terms of the Founding Agreement signed in 2012 and the ability to serve Albertans into our 50th year of operation.

2012 Annual Report

Traditionally our Annual Report contained a great deal of information that we now host on our website. We have redesigned our Annual Report to share information on activities that occurred during the reporting period. The following elements are now found on the ALRI website:

- Audited Financial Statements
- Table of Implementation of our recommendations
- Current and potential projects
- Our project work process
- Staff, Board and Volunteers

Future Annual Reports will only be published electronically. We are also looking at alternative methods for consulting and distributing information on our project work. Our website has and will continue to be the centre for our published reports.

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Your Views

All of our reports are freely available electronically on our website. A limited number of hard copies are available on request.

We encourage you to contact us. The **Your Views** section on our website was designed to let you choose to be added to our electronic mailing list or provide comments on the current projects we are working on. You can also use this option to suggest an area for review that we are not currently addressing.

You can also follow us on Twitter at **@ablawreform** for the latest on our projects and developments in Alberta Law.

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